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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,570	08/06/2001	Allen P. Hartman	3123-374	3113
32093	7590	01/06/2005	EXAMINER	
HANSRA PATENT SERVICES 4525 GLEN MEADOWS PLACE BELLINGHAM, WA 98226			KAPADIA, VARSHA A	
			ART UNIT	PAPER NUMBER
			2651	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,570	<b>Applicant(s)</b> HARTMAN ET AL.	
	<b>Examiner</b> Varsha A Kapadia	<b>Art Unit</b> 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9,11,13,14,17-25 and 27-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 27-28, 32-41 is/are allowed.
- 6) ☒ Claim(s) 11,13,14,17-19,21-25 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

This office action is responsive to the amendment filed on August 30, 2004.

### **Information Disclosure**

The information disclosure statement (IDS) submitted on August 30, 2004 was filed after the mailing date of the non-final office action on June 25, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Rejection Under 35 U.S.C. 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13-14, 17-19 and 21-22, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swearingen et al (5,668,679) in view of Liu et al (6,476,995).

With regards to claims 11 and 29-31, Swearingen et al discloses a method of writing servo information in spiral patterns onto a disk surface using a servo track writer having a digital signal processor (see figs. 1 and 3 and disclosure thereof and col.3 lines 25-29; wherein CPU is considered as digital signal processing) comprising steps of:

Reading a clock track written onto the disk surface to generate interrupt signals and providing interrupt signals to the digital signal processing (see col.3 lines 25 to 64, wherein generation of missing bits is considered as interrupt signal); and generating a spiral profile based upon a predetermined interrupt rate, wherein the profile includes a write portion, a post-write pad

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portion, re-trace portion and a post re-trace pad portion (see col.3 lines 58 to col.4 line 23,col.8 line25 to col.9 line 15 and col.11 lines 9-17; wherein re-trace is considered as function of data verification).

Swearingen et al fails to further disclose positioning transducer over the disk surface using the servo track writer in a closed loop manner as claimed.

Liu et al discloses such capability (see the paragraph bridging col. 2 and 3; wherein Liu et al also discloses a servo writer having an actuator arm as claimed) to precisely position the transducer head.

It would have been obvious to one of ordinary skill in the art at the time this invention was made to modify the teachings of servo writing disclosed by Swearingen et al with the above teaching from Liu et al in order to provide a precise positioning of the head during servo writing in order to ensure proper servo writing as taught by Liu et al.

With regards to claims 13 and 14, Swearingen et al discloses steps of positioning transducer as claimed (see figs. 3 and 4 elements 10-13 16, 20 and disclosure thereof).

With regards to claims 17-19, see Swearingen et al on col. 8 lines 25 to col.9 lines 15.

With regards to claims 21-22, see Swearingen et al on col.7 lines 1-32.

#### **Allowable Subject Matter**

Claims 1-9, 23-25, 27, 28 and 32-41 are allowed.

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-9, 23-25, 28 and 33-41 are allowable over the prior art of the record for the same reasons as indicated in the office action mailed on June 25, 2003.

Claims 20, 27 and 32 are allowable over the prior art of the record for the same reasons as indicated by the applicant's representative in the remarks filed on August 30, 2004.

**Prior art cited**

Reference to Jolly (6,674,593) cited as of interest.

Reference to Ding et al (6,587,293) cited as of interest.

**Response to Remarks**

Applicant's arguments filed on August 30, 2004 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-4198. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305- 4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VK



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**